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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,814

09/22/2005

Tiphaine Bichot

0512-1260

4678

466 7590 01/05/2007  
YOUNG & THOMPSON  
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EXAMINER

TYLER, STEPHANIE E

ART UNIT

PAPER NUMBER

3754

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/522,814

Applicant(s)

BICHOT, TIPHAINE

Examiner

Stephanie E. Tyler

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/31/2005</u> .  | 6) <input checked="" type="checkbox"/> Other: <u>Appendix A</u> . |

Detailed Action

The preliminary amendment filed on January 31, 2005 has been entered.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by DeJonge (5,503,302).

The DeJonge reference discloses a perfume dispenser of the type having a container (41) containing perfume, a device (51) for pumping and atomizing the perfume, the device including an atomizer, a pump and a tube (59) for drawing off the perfume, the tube comprising a first end (fig. 1)<sup>1</sup> connected to the pump and a second end which is to be arranged in the bottom (fig.1) of the container (41) in order to draw off the perfume, characterized in that the container (41) comprises a perforable region (43) and the second end of the tube (56) forms a member for perforating the perforable region (43).

Regarding claim 2 note in figure 1 wherein the tube (59) comprises metal, at least at its second end (61).

Regarding claim 3 note in figures 1 and 2 wherein the perforable region (43) is a disc delimited in the container (41) by a region (fig.2) of lesser resistance.

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<sup>1</sup> Please refer to Appendix A for specified features.

Art Unit: 3754

Regarding claim 4 note in figure 1 wherein the container (41) is composed of plastics material.

Regarding claim 5 note in figures 1 and 2 wherein the container (41) is force fitted in the pumping and atomizing device (51) in order to be held relative thereto.

Regarding claim 6 note in figures 1 and 2 wherein the dispenser includes a case (5).

Regarding claim 7 note in figures 1 and 2 wherein the container (41) is replaceable.

Regarding claim 8 note in figures 1 and 2 wherein the dispenser is capable of containing perfume (col.1, lines 13-16) and it includes a perforable region (43).

Regarding claim 9 note in figures 1 and 2 wherein the perforable region (43) is a disc delimited in the container (41) by a region (fig.1) of lesser resistance.

Regarding claims 10 and 12 note in figures 1 and 2 wherein the container is composed of plastics material.

Regarding claim 11 not in figures 1 and 2 wherein the perforable region (43) is a disc delimited in the container (41) by a region (fig.1) of lesser resistance.

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Opperman (6,145,703) and Revenu (6,053,363) are other types of perfume dispensers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie E. Tyler whose telephone number is 571-272-8059. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Frederick C. Nicolas  
PRIMARY EXAMINER

SET

## APPENDIX A

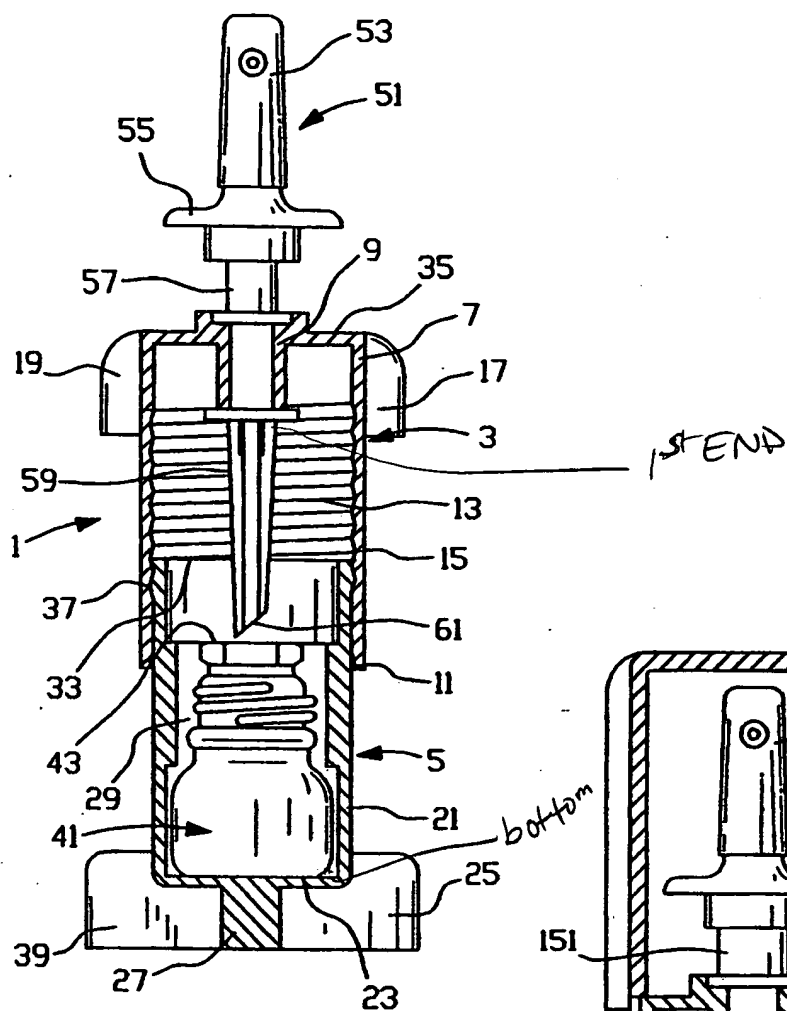


FIG. 1

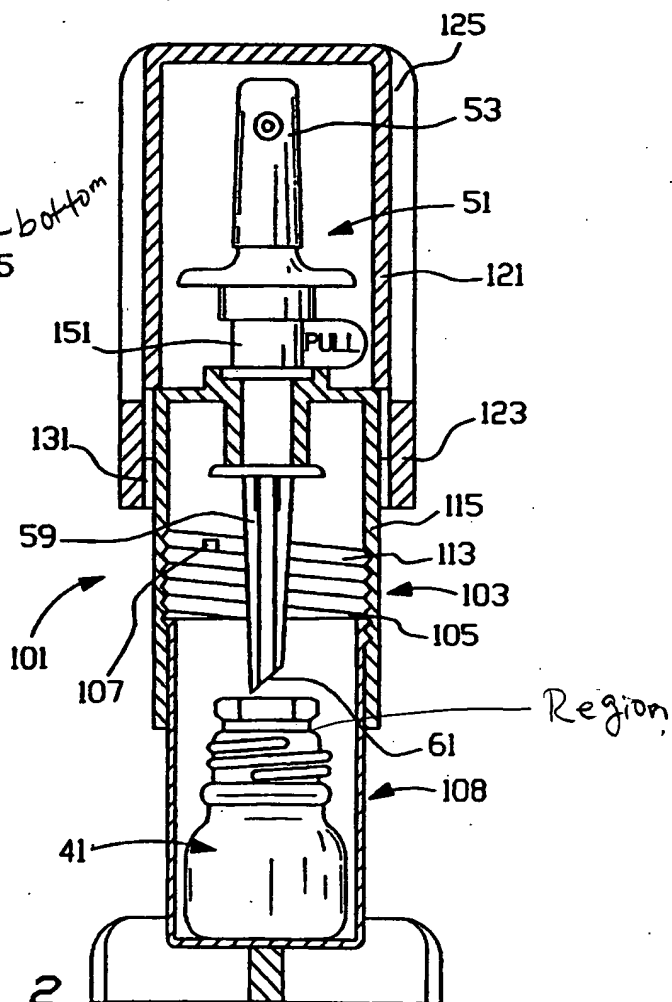


FIG. 2